

Notice of Allowability

Application No.

10/714,517

Applicant(s)

GOLDBERG ET AL.

Examiner

Vikkram Bali

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/19/2004.
2. ☒ The allowed claim(s) is/are 1-19, 22-26 (renumbered as 1-24).
3. ☒ The drawings filed on 13 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary J. Connell, Reg. # 32,020 on 8/11/2004.

The application has been amended as follows:

In claims:

Cancel claims 20 and 21

Add claims 22-26

[AMENDED] 1. A method of distributing to a user a specific electronic image comprising a representation of a specific person from among a collection of electronic images containing representations of many persons, the method comprising the steps of: performing facial recognition analysis on each electronic image in the image collection by which a facial identifier is determined for each face represented within each electronic image;

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storing each electronic image in association with the facial identifier of each person represented within the electronic image;

obtaining a reference facial identifier from a source electronic image in which the specific person is represented;

selecting the specific electronic image for distribution on the basis of the similarity of the reference facial identifier to a facial identifier associated with the specific electronic image in conjunction with additional information that can be derived from the collection of electronic images, wherein the additional information comprises the association of the specific electronic image for distribution with a facial identifier of a second person.

[AMENDED] 2. The method of claim 1, wherein the second person's facial identifier is associated with more than one electronic image in the collection with which the specific person's facial identifier is also associated.

[AMENDED] 3. The method of claim 1, wherein the specific person's facial identifier is associated with a second electronic image in the collection with which a third person's facial identifier is also associated, and in which the second and third person's facial identifiers are associated with a third electronic image in the collection.

[AMENDED] 4. The method of claim 1, wherein the additional information further comprises characteristics of a temporary feature of the specific person, wherein the characteristics of the feature can be determined from the distribution image.

[AMENDED] 6. The method of claim 1, wherein the additional information further comprises membership of the facial identifier within a first cluster of facial identifiers that has been formed using cluster analysis on facial identifiers from electronic images within the image collection.

[NEW] 22. A system for distributing to a user a specific electronic image comprising a representation of a specific person from among a collection of electronic images containing representations of many persons, comprising:
a facial recognizer that generates a facial identifier for each facial representation within each image;
a storage device that stores each electronic image in association with the facial identifier of each person represented within the electronic image;
a reference facial identifier, which is obtained from a source electronic image in which the specific person is represented; and
a selector which receives the facial identifiers associated with each image from the storage device and which further receives the reference facial identifier and which determines which image to distribute, wherein the selector selects the specific electronic image for distribution on the basis of the similarity of the reference facial identifier to a facial identifier associated with the specific electronic image in conjunction with additional information that can be derived from the collection of electronic images,

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wherein the additional information comprises the association of the specific electronic image for distribution with a facial identifier of a second person.

[NEW] 23. The system of claim 22, wherein the second person's facial identifier is associated with more than one electronic image in the collection with which the specific person's facial identifier is also associated.

[NEW] 24. The system of claim 22, wherein the specific person's facial identifier is associated with a second electronic image in the collection with which a third person's facial identifier is also associated, and in which the second and third person's facial identifiers are associated with a third electronic image in the collection.

[NEW] 25. The system of claim 22, additionally comprising a camera, wherein the camera obtains a reference image of the specific person and the reference facial identifier is obtained from the reference image by the facial recognizer.

[NEW] 26. The system of claim 22, additionally comprising an Internet connection, wherein the selector receives the source electronic image from the user through the Internet connection.

Allowable Subject Matter

2. Claims 1-19, 22-26 (renumbered as 1-24) is allowed.

3. The following is an examiner's statement of reasons for allowance:

Claims 1-19, 22-26 (renumbered as 1-24) are allowed, because prior art taken alone or in combination fails to suggest a method of distributing to a user a specific electronic image comprising a representation of a specific person from among a collection of electronic images containing representations of many persons in that performing facial recognition analysis on each electronic image in the image collection by which a facial identifier is determined for each face represented within each electronic image, storing each electronic image in association with the facial identifier of each person represented within the electronic image, selecting the specific electronic image for distribution on the basis of the similarity of the reference facial identifier to a facial identifier associated with the specific electronic image in conjunction with additional information that can be derived from the collection of electronic images, wherein the additional information comprises the association of the specific electronic image for distribution with a facial identifier of a second person in combinations with the other elements of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vikkram Bali
Primary Examiner
Art Unit 2623

A handwritten signature in black ink, appearing to read 'V. Bali', is written over the printed name and title of the examiner.

vb
August 13, 2004